

IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO

WELLS FARGO BANK, NATIONAL	:	APPEAL NO. C-160626
ASSOCIATION as Trustee for		TRIAL NO. A-1004308
Securitized Asset Backed Receivables	:	
LLC 2005-FR3 Mortgage Pass-Through	:	
Certificates, Series 2005-FR3,	:	
Plaintiff-Appellee,	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
DIONNE Y. RIDDLE, a.k.a. DIONNE	:	
RIDDLE,	:	
and	:	
RODNEY RIDDLE,	:	
Defendants-Appellants,	:	
and	:	
MORTGAGE ELECTRONIC	:	
REGISTRATION SYSTEM,	:	
Defendant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. See Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

The defendants-appellants Dionne and Rodney Riddle appeal from an entry journalized on June 30, 2016, in a foreclosure action. On that date, a document showing the property located at 11440 Gideon Lane was sold on June 30, 2016 was filed.

This court must determine whether the document constitutes a final appealable order. The Ohio Constitution limits an appellate court's jurisdiction to review of final appealable orders. Ohio Constitution, Article IV, Section 3(B)(2); R.C. 2505.02. If an order is not a final appealable order, the appellate court lacks jurisdiction and the appeal must be dismissed. *State v. Daniels*, 1st Dist. Hamilton No. C-140242, 2014-Ohio-5160, ¶ 5, citing *Whitacre-Merrell Co. v. Geupel Constr. Co.*, 29 Ohio St.2d 184, 186, 280 N.E.2d 922 (1971).

An order of a court is a final, appealable order if the requirements of R.C. 2505.02 are met. *Chef Italiano Corp. v. Kent State Univ.*, 44 Ohio St.3d 86, 88, 541 N.E.2d 64 (1989). Only final orders of a court may be reviewed on appeal. R.C. 2505.03(A). We do not make a determination as to whether the judgment entry of foreclosure, entered on June 16, 2011, would constitute a final appealable order under R.C. 2505.02 because that order was not appealed. However, our review of the record reveals that the trial court did not enter an order on June 30, 2016, a threshold requirement for compliance with R.C. 2505.02. *See* R.C. 2505.03(A). The document that was filed on June 30, 2016 reflected that the property located at 11440 Gideon Lane was sold on June 30, 2016. Therefore, the appeal was not taken from a final, appealable order. Accordingly, we dismiss this appeal for lack of jurisdiction.

Further, a certified copy of this judgement entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27.

CUNNINGHAM, P.J., ZAYAS and DETERS, JJ.

To the clerk:

Enter upon the journal of the court on June 14, 2017
per order of the court _____.

Presiding Judge